

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL 2327</b>  <b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>
<b>THIS DOCUMENT RELATES TO:  ETHICON WAVE 5 CASES LISTED IN EXHIBIT A</b>	

**NOTICE OF ADOPTION OF DEFENDANTS' PRIOR MOTION TO EXCLUDE  
CERTAIN GENERAL OPINIONS OF ALAN GARELY, M.D. FOR WAVE 5**

Comes now, the Defendants, and hereby adopt and incorporate by reference (1) Defendants' Wave 1 Motion to Exclude Certain Opinions of Alan Garely, M.D., Case No. 2:12-md-02327, ECF No. 2128 (the "Wave 1 Motion"); and (2) the Memorandum of Law in support thereof, ECF No. 2129 (the "Memorandum of Law").

This notice applies to the Wave 5 cases identified in Exhibit A attached hereto (the "Wave 5 Cases").

Defendants acknowledge that on September 1, 2016, the Court issued a Memorandum Opinion and Order, ECF No. 2718 (the "Order") GRANTING the Wave 1 Motion in part, DENYING it in part, and RESERVING judgment in part.

Where the Court GRANTED the Wave 1 Motion, Defendants respectfully request that the Court adopt the same ruling in the Wave 5 Cases for the reasons set forth in Defendants' Memorandum of Law and the Court's Order.

With respect to Defendants' motion to exclude Dr. Garely's opinions on degradation, the Court DENIED the Wave 1 Motion as moot because Plaintiffs conceded that Dr. Garely will not

offer any opinions about mesh degradation. (See Order, p. 8). To the extent that Plaintiffs continue to concede that Dr. Garely will not offer any opinions about mesh degradation in Wave 5 cases, the same ruling should apply. To the extent that Plaintiffs now seek to assert that Dr. Garely will offer opinions about mesh degradation, Defendants adopt their arguments in the Wave 1 Motion for the reasons set forth in Defendants' Memorandum of Law.

Where the Court otherwise DENIED or RESERVED judgment on the Wave 1 Motion, Defendants reserve their rights with respect to the Order.

August 15, 2017

Respectfully submitted,

/s/ Christy D. Jones

Christy D. Jones  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 985-4523  
christy.jones@butlersnow.com

/s/ David B. Thomas

David B. Thomas (W.Va. Bar #3731)  
Thomas Combs & Spann PLLC  
300 Summers Street  
Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 25338  
(304) 414-1807  
dthomas@tcspllc.com

/s/ Kelly S. Crawford

Kelly S. Crawford  
Riker Danzig Scherer Hyland &  
Perretti, LLP  
Headquarters Plaza  
One Speedwell Avenue  
Morristown, NJ 07962-1981  
(973) 451-8417  
kcrawford@riker.com

COUNSEL FOR DEFENDANTS  
ETHICON, INC. AND JOHNSON & JOHNSON

**EXHIBIT A**

	<b>WAVE 5 CASE NAME</b>	<b>CASE NO.</b>
1.	Patricia Blake and Dale Blake v. Ethicon, Inc., et al.	2:12-cv-07901
2.	Ora Kay Gray and Clarence Allen Gray v. Ethicon, Inc., et al.	2:12-cv-07251

**CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2017, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Kelly S. Crawford

Kelly S. Crawford

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